

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

PAUL L. MURPHY,	:	
Plaintiff,	:	
	:	
v.	:	File No. 1:04-CV-342
	:	
CORRECTIONAL MEDICAL SERVICES,	:	
INC., DR. MILLER, TOM BUCK, P.A.	:	
Defendants.	:	
_____	:	

RULING ON DEFENDANT'S OBJECTION TO  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
(Papers 23 and 24)

The Court has reviewed the Magistrate Judge's Report and Recommendation (Paper 23) and Defendant's Objection (Paper 24), and has considered de novo those portions of the Report and Recommendation to which objections pertain.

After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The Plaintiff's motion to dismiss his claims (Paper 21) is GRANTED, and this case is DISMISSED without prejudice.

The Court is concerned, however, by the number and frequency of similar lawsuits filed by the Plaintiff in the state and federal courts, followed by voluntary dismissals, and in the future will consider dismissing such cases with prejudice or imposing conditions to protect defendants from prejudice and vexatious claims. See Cross Westchester Dev. Corp. v. Chiulli,

887 F.2d 431, 431 (2d Cir. 1989); Thomas v. New York State Dep't of Corr. Servs., 2004 WL 1871060 (S.D.N.Y.) at \*3.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 19<sup>th</sup> day of October, 2005.

/s/ J. Garvan Murtha

J. Garvan Murtha

United States District Judge